Questions asked witnesses by Attorneys Rosser and Arnold indicate that the defense may attempt to convince the jury that it would have been possible for the little girl to have been killed on the first floor of the factory and her body later disposed of through a chute leading from the first floor to the basement at the rear of the building. According to this theory the girl was met at the foot of the stairs leading from Frank's office, taken toward the back of the building and killed. Her body was then dragged to the trap door leading to the chute and dropped into the basement. Later, according to the theory, it was taken to the spot where it was found by Newt Lee. The accompanying drawing was made from the model of the factory which is being used by the defense at the trial.

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After Two Weeks of Testimony Only Evidence Directly Linking Frank With the Crime is the Sensational Statement Made on the Stand by Negro Sweeper-Summary of Developments in Trial to Date

STATE HAS INTRODUCED 34 WITNESSES, DEFENSE 10

A Synopsis of the Evidence Presented by Both Sides Shows Just What the State Has Sought to Prove and How the Defense Has Begun to Fight to Convince Jury of Frank's Innocence

For two long and tedious weeks Leo M. Frank, indicted for the murder of Mary Phagan, has been on trial for his life. During those two weeks forty-eight witnesses have testified, innumerable exhibits, documents, books, diagrams, photographs and illustrative contrivances have been displayed to the jury.

Only the remarkable story of James Conley, the negro sweeper, directly connects the defendant with the crime, and even in this ingenious narrative the negro did not say that he actually saw Frank do the deed.

Time and again while under the merciless gruelling of Attorneys Rosser and Arnold, Conley frankly and complacently confessed that he had lied and lied frequently in his many statements and affidavits to the detectives. However, he clung fast to his story as related upon the witness stand Monday, Tuesday and part of Wednesday. He had every circumstance and feature of this story clear in his mind and not once during the sixteen and a half hours that he was in the witness chair did he admit that any portion of it was false — notwithstanding the terrific bombardment of questions hurled at him on cross-examination by Attorney Rosser.

He would not attempt to explain apparent inconsistencies in his last and final testimony, but contented himself with asserting that he had told the whole truth.

There can be no doubt that Conley's story made a profound impression even upon those who believe he is lying to save his own neck, and who are convinced that he was enabled to piece together a plausible narrative because the detectives in the continual sweating administered to the negro pointed out the flaws in his original stories.

But the question which present itself most persistently is: "Could this illiterate negro have conceived and fitted together such a set of detailed circumstances without some foundation in fact?" The verdict in the Frank case without doubt depends on just how much credence the jury places in Conley's testimony and how it regards the circumstantial evidence which the state has introduced to corroborate it.

ENTER MANY OBJECTIONS.

The defense is evidently playing for position in the event the jury returns a verdict against Frank. Both Attorneys Rosser and Arnold have daily entered many objections and taken many exceptions which they asked to be noted in the record. This is understood to mean that they are paving the way for an application to the supreme court for a new trial in case the verdict is adverse to their client.

With its thirty-four witnesses, the state, through Solicitor Dorsey and Attorney Hooper, sought to show:

That Mary Phagan met her death in the metal room on the second floor of the pencil factory between 12:30 and 1 o'clock on April 26. That she went to the factory between 12:05 and 12:10 o'clock.

That she was struck on the head and rendered unconscious and that she was then strangled with a twine cord.

That Frank was the last person who saw the girl alive.

That he was out of his office between 12:05 and 12:10, after Mary Phagan called.

That she was heard to scream after she went up to the second floor of the factory.

That she was done some kind of external violence a few minutes before death.

That Frank called the negro Conley upstairs to help him get the body into the basement.

That when he went home to luncheon he did not eat anything and remained in the house but a few minutes.

That he was very nervous on the day after the murder when he was brought to the factory by the detectives.

That he refused to look upon the dead girl's face when taken to the undertaking establishment.

That he is guilty of perversion. The state took nine days in which to […]

FIGHT FOR FRANK'S LIFE WILL CENTER AROUND STORY OF JIM CONLEY

[…] present its evidence. The defense has been offering evidence but three days and has introduced but fourteen witnesses, three of them having been witnesses for the state.

Just what is the theory of the defense as to the time and manner of the murder has not yet been disclosed. So far the defense has been content to confuse and cast doubt upon the evidence offered by the state.

THE EXPERT TESTIMONY.

Dr. H. F. Harris, secretary of the state board of health and a physician and chemist of high standing, testifying for the state said that he had made a careful examination of the dead girl's boy and that he was satisfied beyond doubt that she had first been struck upon the back of the head and rendered unconscious and that later she was strangled to death.

Dr. Harris was positive that the girl died within a half or three-quarters of an hour after she ate the cabbage and bread which her mother swore she had eaten about 11:45. He based his opinion upon the undigested cabbage which he found in her stomach. Dr. Harris also testified that the girl had without doubt been done some violence a few minutes before death. This he had determined by the condition of the blood vessels.

DR. CHILDS DISAGREES.

The defense put up Dr. Leroy Childs, a well known physician and surgeon to rebut Dr. Harris' testimony. Dr. Childs had not examined the Phagan girl's body but from the evidence given by both Dr. Harris and Dr. J. W. Hurt, the coroner's physician, he was confident that it would have been impossible to tell just how long after she had eaten the cabbage that the murder occurred. He declared that cabbage was one of the most indigestible of vegetables and often remained in the stomach for hours before being digested.

Dr. Childs expressed the opinion that death could have been produced by the blow on the head, but from the information furnished him he was inclined to the belief that she died from strangulation. He declared that the dilated and ruptured blood vessels could have resulted from natural causes and not necessarily from external violence.

George Epps, a newsboy, testifying for the state, swore that he rode into the city with Mary Phagan on the day of the murder and that she left the car at Forsyth and Marietta streets at about 12 o'clock, going across the viaduct to the factory.

By W. M. Matthews and W. T. Hollis, motorman and conductor on the car, the defense showed that Mary Phagan boarded the car alone, rode into the city alone and left the car at Broad and Hunter street at 12:10.

E. F. Holloway, the day watchman at the factory swore that he had timed himself to see how long it would take him to walk to the pencil factory from Broad and Hunter streets and from Forsyth and Marietta streets. He said that in the former instance, it required two and a half to three minutes and in the latter, seven minutes.

WHEN SHE ARRIVED.

If the testimony of the conductor, motorman and Holloway is be to considered and that of George Epps thrown aside then Mary Phagan did not reach the factory until 12:13. On the other hand, if the testimony of Epps and Holloway is to be credited she arrived there before 12:10.

Neither of these calculations fits in with the testimony of Monteen Stover, the witness for the state who swears she went to the factory at 12:05 and left at 12:10, that she saw no one while there and that she went to the office door and looked in to see if Frank was there but that he was not. Conley swore that Miss Stover followed Mary Phagan upstairs.

By N. V. Darley, general manager of the factory, Herbert Schiff, assistant superintendent, Holloway, the day watchman and others, the defense brought out that while at work Frank was accustomed to keep the big safe in the outer room open and that when it was open the door shut off the view into the inner office and that a person no taller than Miss Stover would find it impossible to see over the safe door even if she tiptoed.

Conley was the only witness to testify that the girl screamed. He said he heard the scream very shortly after she went upstairs and after he heard the sound of footsteps going back toward the metal room. Several detectives, policemen and officials at the factory swore that Frank was very nervous on the day after the murder.

To offset this, the defense developed from the factory officials that Frank was of a highly nervous temperament and that when anything went wrong he became excited and nervous; that on one occasion, when he was on a street car which ran over a child, he was so nervous he could not work and that at another time when he had quarreled with a factory official he manifested extreme nervousness.

None of those who visited the undertaking establishment with Frank would swear that he had failed to look at the face of the dead girl. However, both Detective Black and Bailiff Rogers who accompanied him there declared they had not seen him do so.

Conley swore that Frank called him up at about 4 minutes to 1 to aid in carrying the body down to the basement. The testimony of Mrs. Arthur White, who said she saw a negro sitting on a box at the foot of the stair when she went out of the factory about 1 o'clock, has never been disputed, although Solicitor Dorsey developed that this information did not reach the police until several days after the murder, notwithstanding, Mrs. White reported the fact to Frank on the Monday following.

In his statement, Conley related incidents reflecting on Frank's moral character. The defense made vigorous objection to the admission of this evidence and during the argument which followed Solicitor Dorsey announced that the state expected to be able to corroborate Conley's accusations.

DALTON'S TESTIMONY.

C. B. Dalton was put up by the state and he swore that he had visited the factory with Daisy Hopkins, a former employe that he

knew Frank and had seen him in his office on Saturday afternoons drinking beer and soft drinks with girls.

Dalton also testified that he had taken Daisy Hopkins to the factory and that Conley had kept a lookout for him. The Hopkins girl was put up by the defense and she denied everything that had been stated by Conley and Dalton declaring that she only knew Frank when she saw him, that she had never been into his office and that she had never seen him drinking soft drinks and beer with women.

Solicitor Dorsey made the Hopkins girl admit that she had been in jail on a statutory charge.

Officials and employes of the factory put upon the stand all swore that they had never seen girls visit Frank in his office nor had they ever seen girls drinking soft drinks and beer with him in his office.

COULDN'T SEE THE MIRROR.

The testimony of Albert McKnight, the negro husband of Minola McKnight, cook at the Frank-Selig home, in which he swore that on the day of the murder Frank came home for luncheon about 1:30 and left a few minutes later without having eaten was rebutted by the defense with pictures and diagrams of the Frank-Selig home. McKnight swore that he was sitting in the kitchen near the passageway to the dining room and could by looking in the sideboard window in the dining room see that Frank didn't eat anything. He also swore that Frank caught a street car at Pulliam street on his return to the city.

Albert Kauffman, a civil engineer, who made blueprints of the Frank-Selig home, and of the pencil factory and who measured the distance from the home to Washington and Pulliam streets, testified that it was impossible to see the mirror in the dining room sideboard from where McKnight said he sat in the kitchen; that a street car ran on Georgia avenue in front of the home, and that it is further to Pulliam street by about 100 feet than it is to Washington street.

H. J. Hinchey, manager of the South Atlantic Blow Pipe company, declared he saw Frank on a Washington street car, just in front of the capitol about 2:15.

Pinkerton Detective Harry Scott, who had been first called by the state, was also called by the defense. He testified that Conley had made a number of statements to him: that he had called the negro's attention to defects in his statements and that later the negro would change his story to confirm.

WITNESS CONFUSED.

The very favorable testimony for the defense given by E. F. Holloway, the day watchman at the pencil factory, was greatly minimized by the fact that he went completely to pieces under the cross-examination of Solicitor Dorsey. The solicitor asked him many question which he evaded and others he answered only when forced to do so by the judge. Holloway became excited and belligerent when the solicitor asked him if he had not sought to get a former night watchman at the factory to swear that Frank had frequently telephoned him at night. He was also disconcerted when the solicitor demanded to know if he had not sought to convict Conley in order to obtain the reward offered for the murderer, and when Mr. Dorsey inquired if he had not boasted about "turning up" Conley and set up his claim to the rewards the witness became sullen.

During the cross-examination of Holloway Solicitor Dorsey implied that the witness had "planted" the bloody stick which was alleged to have been found nearly two weeks after the murder on the first floor of the factory close to where Conley admits to have been in hiding. This was vehemently denied by the witness.